

# Staff Summary Report



Hearing Officer Hearing Date: June 27, 2007

Agenda Item Number: 3

**SUBJECT:** This is a public hearing for a request by the **NGO RESIDENCE (PL070200)** located at 1933 East Palmcroft Drive for one (1) use permit.

**DOCUMENT NAME:** 20070627dssl02

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **NGO RESIDENCE (PL070200)** (Albert Ngo, applicant/property owner) located at 1933 East Palmcroft Drive in the R1-6, Single Family Residential District for:

**ZUP07066** Use permit to allow parking in the front and street side yard setbacks.

**PREPARED BY:** Sherri Lesser, Senior Planner (480-350-8486)

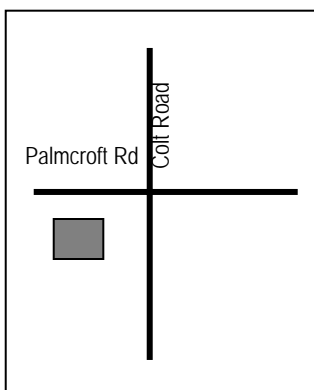
**REVIEWED BY:** Steve Abrahamson, Planning and Zoning Coordinator (480-350-8359) *SEA*

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval, subject to Conditions 1-3.

**ADDITIONAL INFO:** The applicant is before the Hearing Officer to request a use permit to allow the required parking to be located in the street side yard setbacks. The applicant has enclosed their carport into livable space and therefore needs to locate required parking in the front and street side yard setbacks. The applicant has illegally constructed a carport cover that will need to be removed due to the encroachment into the street side yard setback. To date, staff has received one e-mail of opposition to the request. Staff supports the use permit as proposed in this application.



**ATTACHMENTS:**

1. List of Attachments
  2. Comments; Reason(s) for Approval; Conditions of Approval;
  3. History & Facts/Description; Zoning & Development Code Reference
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- A. Location Map(s)
  - B. Aerial Photo(s)
  - C. Letter of Intent
  - D. Site plan
  - E. E-Mail of Opposition
  - F. Staff Photograph(s)

## COMMENTS:

The Ngo residence is located at the southwest corner of Palmcroft Drive and Colt Road. The original carport for the house has been enclosed into livable space and they will locate their required parking on the driveway in the front and street side yard setbacks. A concrete driveway exists on the east side (street side) of the house with an illegally constructed carport cover. The attached structure encroaches into the street side yard setback. The applicant plans to detach the structure and meet ZDC requirements for an accessory structure which allows the structure to encroach into the street side yard as long as the structure is freestanding, and does not exceed 8 feet in overall height and 200 s.f. in area. Building code separation requirements between the existing dwelling and structure must also be considered by the applicant.

## Use Permit

The Zoning and Development Code requires a use permit for required parking to be located within the front or street side yard setback. We recommend approval of the use permit based on the following criteria or findings:

Any significant increase in vehicular or pedestrian traffic in adjacent areas;

- There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.

Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;

- No potential nuisances.

Compatibility with existing surrounding structures and uses;

- The proposed building is compatible with surrounding structures the uses.

## Conclusion

Staff recommends approval of this request. This is common use permit request for homes constructed during the 1960's and 1970's; these homes are typically smaller in livable space than newer constructed homes and the carport enclosure is a viable option for increasing the livable area of the home.

## REASON(S) FOR APPROVAL:

1. Use Permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

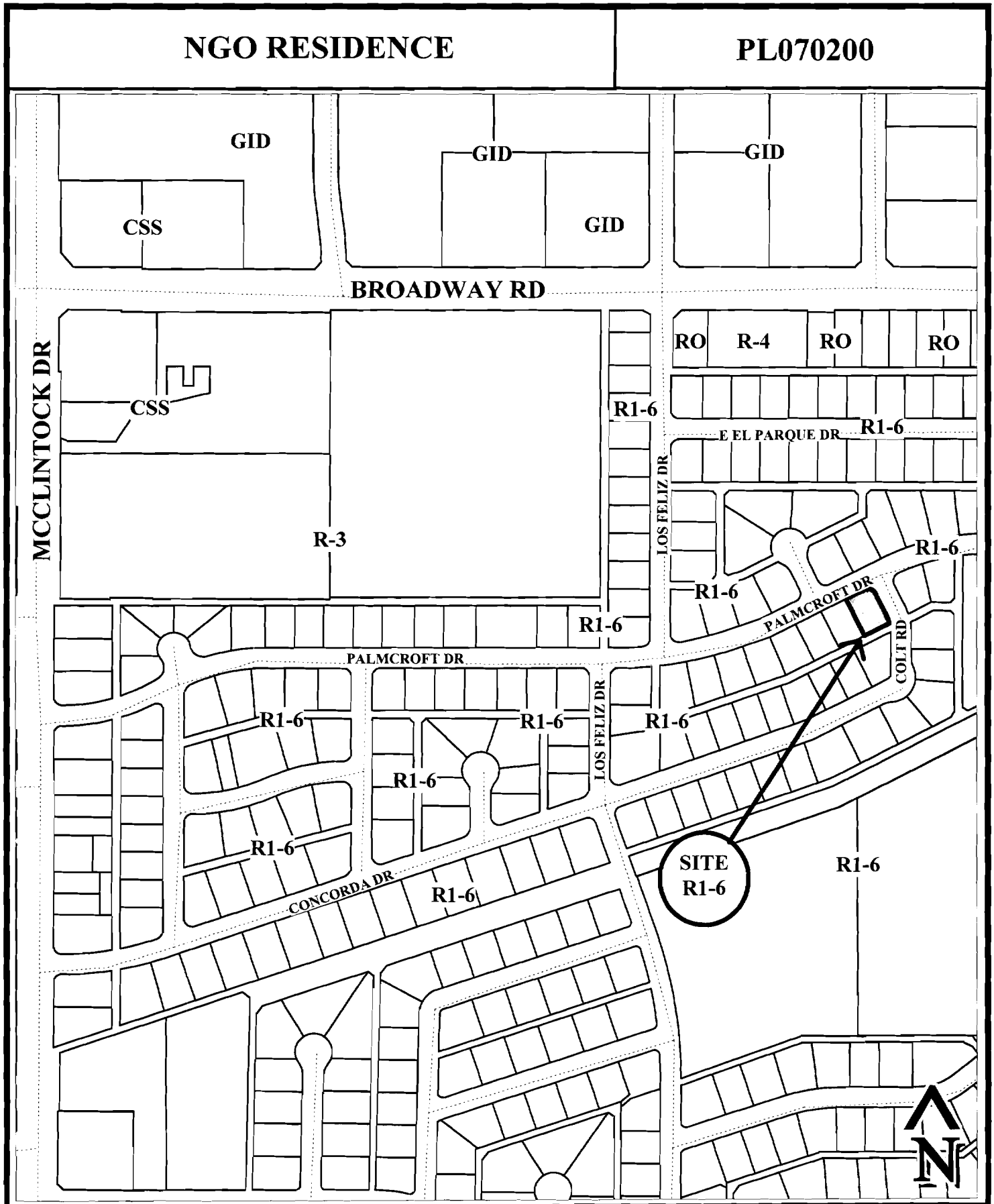
## CONDITION(S) OF APPROVAL:

1. Obtain all the necessary clearances from the Building Safety Division.
2. The existing carport structure to be removed; if replaced with a detached structure is must comply with ZDC accessory structure standards 3-401 (D) and all building code separation requirements.
3. The improved parking areas located in the front and street side yard setbacks shall not be paved beyond 35% of the areas visible from the street per Tempe City Code.

**HISTORY & FACTS:** None pertinent to this case.

**DESCRIPTION:** Applicant – Albert Ngo  
Owner – Albert Ngo  
Existing zoning – R1-6, Single Family Residential District

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:** Citations of Code Requiring Use Permit(s)/Board Action:  
Zoning and Development Code, Chapter 6, Section 4 – 602- C





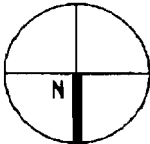
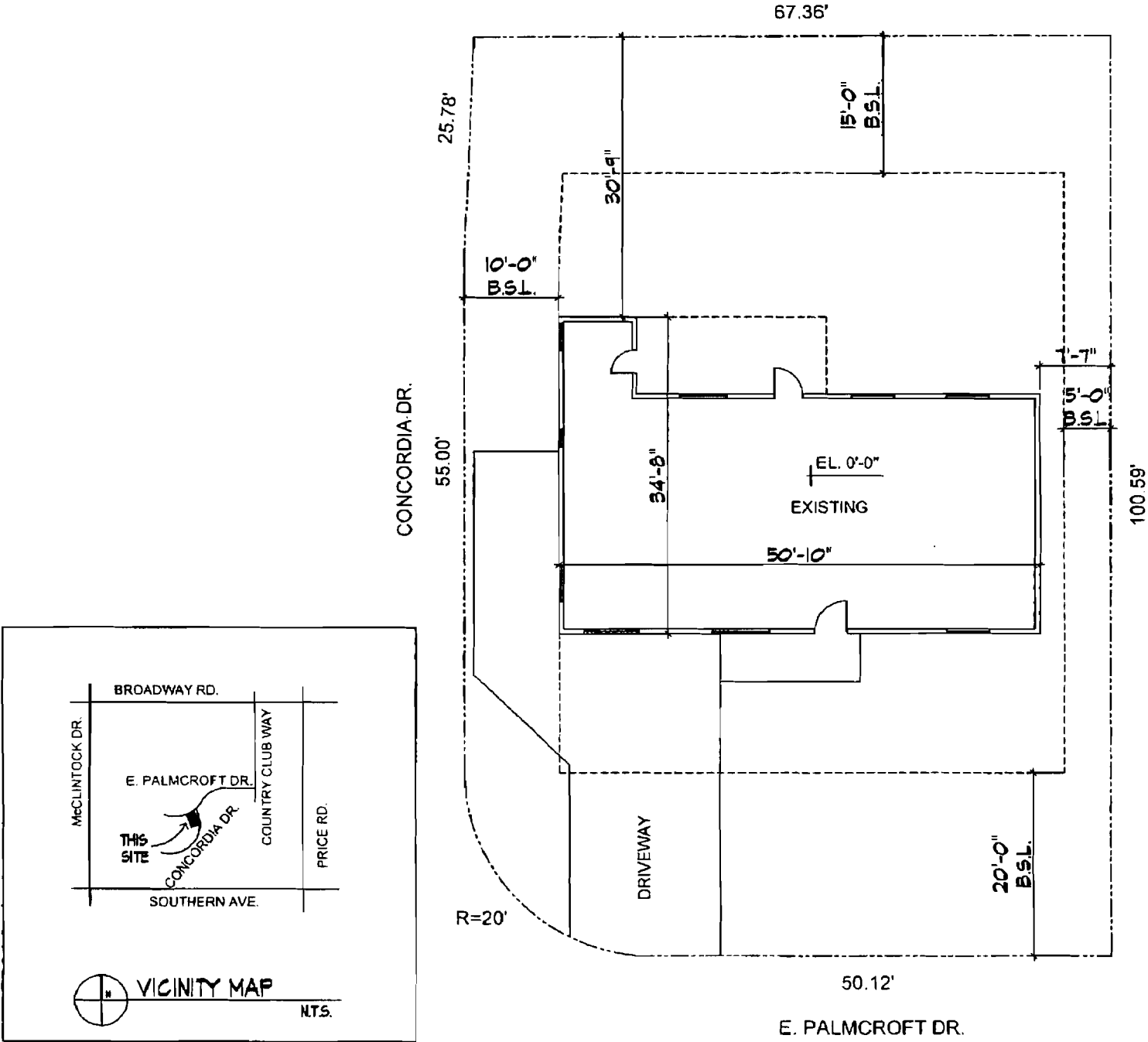
NGO RESIDENCE (PL070200)

To whom it may concern:

We bought this house in June 2006. It was sold to us as a three bedroom house. This house does not have carport or garage. I would like to get a Use Permit for parking in front and the street side yard. I'm also asking for a Use Permit 20% reduction of the street side setback from 10 feet to 8 feet, thanks.

A handwritten signature in black ink, appearing to read 'Albert'.

Albert Ngo



SITE PLAN

SITE ADDRESS:  
1933 E. PALMCROFT DR.  
TEMPE, AZ 85281  
PARCEL# 133-51-078

## McGuire, Diane

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**From:** Witcher Engineering LLP [bewitch@ilhawaii.net]  
**Sent:** Wednesday, June 20, 2007 7:48 PM  
**To:** McGuire, Diane  
**Subject:** NGO Residence Public Hearing

Diane,

Sherri Lesser suggested I address my concerns regarding the NGO Residence Public Hearing Notice (PL070200) to you for forwarding to the Hearing Officer.

I am the owner of the center house in the cul-de-sac opposite the Ngo Residence. My address is 1928 E Palmcroft Ct. My daughter lives in the house.

I object to the use permit to allow parking in the front and side street yard setbacks for the Ngo Residence.

The photos I received show a well maintained yard. However, if the Ngo's should happen to either sell their home or rent it out to others, the situation could very well change. In other areas along Palmcroft, I have witnessed many cars parked in the front yard and/or side yard of several residences. To me, this devalues my property and creates a public hazard. I believe that having vehicles parked in locations not designed for them, i.e. setback areas, places the area involved in a precarious position in the event an emergency vehicle needs to pass or get closer to the house.

If you have any questions, please contact me.

Carolyn A Witcher  
75-5751 Kuakini Hwy, Ste 106  
Kailua-Kona, HI 96740  
808-334-0322  
808-334-0831 fax



**NGO RESIDENCE**

**1933 E. PALMCROFT DR**

**PL070200**

**FRONT OF PROPERTY: VIEW TO THE SOUTHEAST**



**NGO RESIDENCE**

**1933 E. PALMCROFT DR**

**PL070200**

**FRONT OF PROPERTY: VIEW TO THE SOUTHEAST**